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Settlement Class Counsel

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

DONALD R. CAMERON, et al.,

Plaintiffs.

V.

APPLE INC.

Defendant.

No. 4:19-cv-03074-YGR

ADMINISTRATIVE MOTION
REQUESTING JUDGMENT OF
DISMISSAL WITH PREJUDICE

Hon. Yvonne Gonzales Rogers

1 Pursuant to Federal Rule of Civil Procedure 60 or in the alternative Rule 59(e), the Developer
 2 Plaintiff Settlement Class (“Plaintiffs”) respectfully requests that the final judgment entered on June
 3 10, 2022, at page 16 of ECF No. 491, be modified to expressly state that the Court dismisses on the
 4 merits and with prejudice Plaintiffs’ case against Apple Inc. Plaintiffs submit with this Motion a
 5 [Proposed] Amended Final Judgment of Dismissal with Prejudice as to Apple Inc. to this effect.
 6 Apple concurs with the filing of this Motion and the relief sought.

7 On June 10, 2022, this Court issued its “Order: Granting Motion for Final Approval of
 8 Settlement; Granting in Part and Denying in Part Motion for Attorney’s Fees, Costs, and Service
 9 Award and Judgment.” *See* ECF No. 491. Exhibit A to that document is the Stipulation of Settlement
 10 between the Plaintiffs and Defendant Apple Inc. (“Settlement Agreement”). In the Court’s June 10
 11 decision, the Judgment on page 16 states in part, **“IT IS HEREBY ORDERED, ADJUDGED AND**
 12 **DECREED that final judgment is ENTERED in accordance with the terms of the Settlement,** the Order
 13 Granting Preliminary Approval of Class Action Settlement issued on November 16, 2021, and this
 14 Order. This document will constitute a final judgment (and a separate document constituting the
 15 judgment) for purposes of Rule 58, Federal Rules of Civil Procedure.” *See* ECF No. 491 at 16 (italics
 16 added; bold in original). The terms of the Settlement provide that the settlement’s Effective Date
 17 occurs when, among other things, “The Action is dismissed with prejudice and a final judgment is
 18 entered.” *See* Settlement Agreement § 1.14(i); *see also id.* §§ 1.15; 10.4 (requiring that for settlement
 19 to be effectuated the Action be dismissed with prejudice).

20 Thus, by ordering “final judgment” in “accordance with the terms of the Settlement,”
 21 Plaintiffs understand the Court to have dismissed the Action against Apple Inc. with prejudice.
 22 However, for the avoidance of doubt and any argument that this was omitted, Plaintiffs respectfully
 23 request that it be made explicit, pursuant to Rule 60, which states that a “court may correct a clerical
 24 mistake or a mistake arising of oversight or omission whenever one is found in a judgment, order, or
 25 other party of the record.” In the alternative, Plaintiffs request that the judgment be altered or
 26 amended pursuant to Rule 59(e). Also in accord with the terms of the Settlement Agreement (*see* §
 27 1.27), and for the purposes of clarity, Plaintiffs request pursuant to the same rules of civil procedure
 28 that the final judgment be amended to state that those persons and entities that have timely and

1 validly opted-out of the settlement are not included in or bound by the judgment, with a list of those
2 individuals and entities included as Exhibit A to the final judgment proposed herein.

3 For the foregoing reasons, Plaintiffs respectfully request that the final judgment be altered or
4 amended in the manner discussed herein. Plaintiffs have submitted a [Proposed] Amended Final
5 Judgment of Dismissal with Prejudice as to Apple Inc. to this effect along with this Motion.

6 DATED: July 8, 2022

7 HAGENS BERMAN SOBOL SHAPIRO LLP

8 By /s/ Steve W. Berman
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